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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

The grave situation in a number of states for individuals with no religion and those advocating secularist principles: Some recent cases

Notable trends affecting the situation for people with no religion

"Everyone shall have the right to freedom of thought" and "everyone shall have the right to freedom of expression" (ICCPR, Articles Article 18 & 19). And yet, secular voices are under increasing threat around the world.

In our last written statement [A/HRC/28/NGO/36] on the situation for people with no religion, we warned of an increase in hate speech and overt political marginalization targeting humanists, atheists, and proponents of secularist principles, including persecutory rhetoric issuing from heads of state and government and the violent manifestations of such rhetoric. Over the past year, this trajectory from rhetoric, to callous violence and harsh injustice, has become even more apparent.

We have seen the situation continue to remain extremely grave in the states mentioned in last year's statement specifically in relation to *state persecution* of those with no religion or those seeking to question religious beliefs; notably Egypt, Malaysia, Mauritania, and Saudi Arabia. Indeed, Egypt, Malaysia and Saudi Arabia have continued to pursue an explicit agenda of hatred against those with no religion; via, for instance, Egypt's 'war on atheism,' Saudi Arabia's law equating atheism with terrorism, and the Malaysian Prime Minister Najib Razak, labelling of humanism and secularism as "deviant" and a threat to the state itself.[1] In these states, as in many others, the charges of 'insulting religion,' 'blasphemy' and 'apostasy' have been key state mechanisms used for silencing those who seek to critique or just reflect upon religious ideas.

Some recent cases include:

- In December 2014, Mauritanian writer, **Cheikh Ould Mohamed M'Kheitir**, was sentenced to death for "apostasy." He had been arrested for publishing an article in which he sought to highlight the indentured servitude in Mauritanian society, often socially justified with reference to national cultural identity and in particular to Islamic tradition.[2] M'Kheitir remains on death row and in solitary confinement.

- In November 2015 in Saudi Arabia, Palestinian poet and artist **Ashraf Fayadh** was sentenced to death for "apostasy" (a sentence to be carried out by beheading by sword). Fayadh, a member of the British-Saudi art organization Edge of Arabia, was first arrested in August 2013 in connection with his poetry. He was accused of "spreading atheism", insulting "the divine self", insulting the Prophet Muhammad, discrediting the Quran and Hadith, and objecting to concepts of fate as acts of God.[3] On 2 February 2016, Fayadh's death sentence was overturned, and he was resentenced to eight years in prison and 800 lashes.

- Saudi secularist **Raif Badawi** who was lashed 50 times last year on the charge of "insulting religion," remains in prison.

- In February 2015, Egyptian student **Sherif Gaber** was sentenced to a year's hard labour for "contempt of religion" (he had declared his atheism on Facebook) and for promoting "debauchery" (he had challenged a lecturer who said that homosexuals should be "killed in the streets"). Gaber went into hiding following the sentence this year.[4]

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[1] A/HRC/28/NGO/36, p3
[2] http://iheu.org/iheu-condemns-death-sentence-for-apostasy-handed-to-writer-in-mauritania/,
[3] http://iheu.org/death-for-apostasy-must-not-stand-free-ashraf-fayadh/
[4] http://www.dailynewsegypt.com/2015/02/17/egyptian-student-given-prison-sentence-for-atheist-facebook-posts/

- In January 2015, atheist activist **Karim al-Banna** was sentenced to three years in jail for "insulting the divine" after declaring his atheism online. The prosecution had tried to demand that Al-Banna be sent to prison without trial. Al-Banna's name was included in a list of "known atheists" in a local daily newspaper, after which he was harassed by neighbours. He is now in hiding.[5]

Systemic environment of impunity and intimidation: Situations in decline

A country noteworthy in its increasing decline in ensuring freedom of religion or belief is India. The presidency of Narendra Modi has been linked to a rise in Hindu nationalism, with reports of attacks on religious minorities still increasing. Statistics on inter-communal violence show a 30% increase in the first half of 2015 with a total of 330 attacks, of which 51 were fatal. However, these statistics pale in comparison with the anti-Muslim riots in 2002 in Gujarat, with more than 1000 people killed in violent clashes after 60 Hindu pilgrims died in a fire on a train.[6]

Between 2013 and 2015, three prominent rationalists were assassinated, apparently because of their work combating superstition or Hindu nationalism. The authorities were quick to promise action, but were also accused of prematurely ruling out extremist Hindu nationalist parties.

- In August 2015, **M.M. Kalburgi**, a rationalist scholar and college professor, was shot dead in his home in the southern state of Karnataka by two unidentified male assailants. Kalburgi had received death threats following his criticism of idol worship during a seminar in 2014.[7]

- On August 20, 2013, leading anti-superstition campaigner **Narendra Dabholkar** was shot and killed by two men on a motorbike. The murder came just days after the state government pledged to re-introduce an anti-superstition bill, aimed at making it an offence to exploit or defraud people with 'magical' rituals, charms and cures. This bill was closely associated with Dabholkar's work. Dabholkar was a long-time activist in India's rationalist movement, founder-president of Maharashtra Andhashraddha Nirmoolan Samiti (MANS), an anti-superstition organization, and a leader of the Federation of Indian Rationalist Association, a member organization of the International Humanist and Ethical Union.[8]

- In April 2012, the Catholic Church filed a complaint under Section 295 of the country's penal code against **Sanal Edamaruku**, president of the Indian Rationalist Association. Edamaruku had reportedly exposed a supposed "miracle" by revealing that a weeping Jesus on the cross was actually the result of a leaking drain. The local police requested Edamaruku turn himself in and face the charges. He now lives in exile in Finland.

Whilst India's Minister for Minorities, Mukhtar Abbas Naqvi, has said that "you cannot judge the government with isolated incidents of violence or isolated statements by some ministers," this violence has happened against a backdrop of a number of BJP politicians making deeply derogatory remarks about minorities - including, Niranjan Jyoti implying that non-Hindus were bastards by saying "should the country be led by sons of Ram [a Hindu god] or by sons of bastards?"

The existence of vigilante violence is not only indicative of the climate of fear and violence in which some people associated with non-belief are forced to live, but it also points to governmental responsibility in creating an atmosphere conducive to civil violence against non-believers.

Moreover, a culture of impunity that exists in some countries where perpetrators know they will not be pursued or brought to justice for the crimes they commit against non-believers also plays a significant role in allowing for a climate of horrific mob violence. The case of Bangladesh, as reported in our written statement [A/HRC/29/NGO/69], perhaps represents the single worst example of this degradation of secular rights and the security of the non-religious in the past year. Combining suppression by the state, as well as the trend toward escalating violence by non-state actors. In 2015

[5] www.dailynewsegypt.com/2015/03/14/student-in-hiding-after-prison-sentence-for-atheism-confirmed
[6] www.bbc.co.uk/news/magazine-33241100
[7] www.time.com/4016747/mm-kalburgi-india-murder-rationalist-idol-worship-hindu-nationalism
[8] www.iheu.org/story/leading-indian-rationalist-assassinated-gunmen

four humanist writers, Avijit Roy, Washqiur Rahman, Ananta Bijoy Das, Niladri Chatterjee, were murdered in a series of separate, targeted machete attacks between February and August. One secular publisher, Faisal Arefin Dipan, was killed and others critically injured in coordinated machete and gun attacks on two publishing houses in October.

The Maldives too has had specific incidences emulating this kind of hostility towards those with explicitly non-religious beliefs. For instance, last year, the administrators of atheist Facebook pages were publicly identified, kidnapped by a 40-strong gang, compelled to "recant" their atheism and hand over passwords to their accounts. Anti-atheist Facebook pages have forced many secular Maldivians offline.

Positive Developments

Despite the deeply worrying situation we are witnessing in many states, there have nevertheless been some positive developments in terms of protecting freedom of religion or belief in the context of free expression; over the past couple of years, Iceland, the Netherlands and Norway have abolished their blasphemy laws.

Conclusion and recommendations

Discrimination and persecution against the non-religious in particular is very often bound up with political suppression, with fears about progressive values, or with oppression in the name of religion. Humanists and secularists are often among the first to ask questions, and to raise the alarm when human rights are being trampled, when religion is misused or abused, or — even with the best intentions — if religion has become part of the problem. Silence the non-religious, and you silence some of the leading voices of responsible concern in society.

Accordingly, the IHEU urges the Human Rights Council, UN experts and international community to:

- Put pressure on the relevant countries to release the imprisoned individuals mentioned here; and urgently call for Mauritania to quash the death sentence of Cheikh Ould Mohamed M'Kheitir and release him (N.B. The death penalty, according to international law, may only be used for the 'most serious crimes'; 'apostasy' does not meet that threshold – and indeed should not be a crime at all, since it is not a recognisably criminal offence in terms of international law, and it negates the right to freedom of religion or belief.)

- Recognise the explicit phenomena of a "war against atheists" authored and led by the states noted in this statement; and uncompromisingly condemn it as a violation of the right to freedom of religion or belief for those who identify with no religion.

- Remember individuals with no religion when investigating human rights abuses and discrimination against minorities.

As his term as the UN's Special Rapporteur for Freedom of Religion or Belief comes to an end, the IHEU would like to put on record its gratitude to Professor Heiner Bielefeldt, for his very fine, ever-enlivening, ever-enlightening work.